

REMARKS

This timely filed Reply is responsive to the Office Action dated June 9, 2004.

In this Reply, claims 1, 4, 6, 17 and 19 have been amended, claims 2 and 3 canceled, and claims 20-22 added. No new matter has been added.

In the Office Action, Claims 1, 2, 5 and 19 were rejected under 35 U.S.C. 102(b) over United States Patent 4,801,434 to Kido et al. Claims 1, 5, and 17-19 were rejected under 35 U.S.C. 102(b) or under 35 U.S.C. 103(a) over United States Patent 5,553,58 to Dabberdt et al. Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kido et al. as applied to claim 1, and further in view of United States Patent 4,744,955 to Shapiro. Original claims 3 and 6-16 were objected as being dependent upon a rejected base claim, but were determined to be allowable if rewritten in independent form if amended as shown below (amendments shown in underlined format):

3. The fluid sampler of claim 1, wherein said structure for drawing fluid comprises at least one spring-loaded syringe that stores said potential energy is connected to at least one solenoid valve that operates to release said potential energy.

Claim 1 has been amended to include the limitations above for claim 3 as suggested by the Examiner. Accordingly, amended claim 1 and all claims dependent thereon are believed to be patentable. Independent claims 17 and 19 have been amended in analogous fashion. Accordingly, amended claims 17 and 19 and their respective dependent claims are believed to be patentable.

Some dependent claims recite independently patentable limitations. For example, claim 20 recites that the "solenoid valve when closed seals said fluid drawn from outside of said housing inside said spring-loaded syringe". This significant feature which acts to preserve the sample drawn is not found in any of the cited references. Claims 21 and 22 recite analogous limitations.

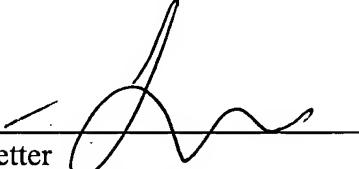
Applicants have made every effort to present claims which distinguish over the cited art, and it is believed that all claims are in condition for allowance. However, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview (direct line (561) 671-3662) would expedite the prosecution of the application to an allowance. The Commissioner for Patents is hereby authorized to charge any deficiency in fees due or credit an excess in fees with the filing of the papers submitted herein during prosecution of this application to Deposit Account No. 50-0951.

Respectfully submitted,

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